

Exhibit “D”

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY,
INC. PRODUCTS LIABILITY MDL No. 2419
LITIGATION

Master Dkt:
1:13-md-02419-RWZ

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THIS DOCUMENT RELATES  
TO:

All Actions

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30(b)(6) VIDEOTAPED DEPOSITION OF
DAWN RUDOLPH

10:22 a.m.
July 2, 2015

Suite 700, Roundabout Plaza
1600 Division Street
Nashville, Tennessee

Blanche J. Dugas, RPR, CCR No. B-2290

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Also Present:

Daniel Makowski, videographer

1 responses that you're here to testify about today?

2 A. Yes.

3 Q. Why did you call Lisa Davis?

4 A. To clarify an answer as part of one of the
5 interrogatory responses.

6 Q. What interrogatory responses?

7 A. Regarding charges that were submitted from
8 St. Thomas Hospital.

9 Q. You're talking about the payments that
10 were -- that were made from the center to the
11 hospital?

12 A. Yes.

13 Q. Why did you call Mary Ann Sechrest?

14 A. Marilyn Sechrest was called --

15 Q. Sorry.

16 A. That's okay. Marilyn Sechrest was called
17 to clarify credentialing services that were -- was
18 provided to -- through the -- to the STOPNC.

19 Q. St. Thomas Hospital is a nonprofit
20 corporation; correct?

21 A. Yes.

22 Q. Is it organized under the laws of
23 Tennessee?

24 A. Yes.

25 Q. In 2012, who sat on the board of St. Thomas

1 Q. Did you ever sit on the board of St. Thomas
2 Hospital?

3 A. I have not and did not.

4 Q. Do you know in 2012 who sat on the board of
5 St. Thomas Health?

6 A. All the board members of St. Thomas Health?

7 Q. Yeah.

8 A. I can -- I can recall Dr. Schatzlein, I
9 recall James Bearden, beyond that, I just don't
10 remember.

11 Q. Why do you recall Mr. Bearden?

12 A. He was the chairman.

13 Q. Is he still the chairman?

14 A. No.

15 Q. St. Thomas Health is a nonprofit
16 corporation too as well; correct?

17 A. Yes.

18 Q. And it's organized under the laws of the
19 state of Tennessee?

20 A. Yes.

21 Q. Do you attend St. Thomas Health board
22 meetings?

23 A. I do.

24 Q. How often do they meet?

25 A. They meet bimonthly, I believe. I attend

1 Q. Why isn't Rebecca Climber listed here?

2 A. The question, I believe, is an employee of
3 St. Thomas Hospital. Rebecca works for St. Thomas
4 Health.

5 Q. And that was true in 2012?

6 A. Yes.

7 Q. Did the hospital ever charge the center for
8 any services it performed that related to -- in any
9 way to the fungal meningitis outbreak?

10 A. Is that with regard to this interrogatory?
11 Because I -- I'm not prepared to answer that. I -- I
12 didn't know that that was a question.

13 Q. So you don't know the answer to that
14 question?

15 A. I don't.

16 Q. Let's move on to Interrogatory No. 22,
17 which is answered, I believe, in two places, both in
18 Exhibit 450 and 452, Page 13 of Exhibit 450 and Page 6
19 of Exhibit 452.

20 A. Okay. Your question?

21 Q. Is there any reason why the answers to that
22 interrogatory is not complete and accurate?

23 A. It is complete and accurate.

24 Q. So just to be clear, St. Thomas Hospital
25 has never paid or provided any personnel, medication,

1 consulting services, procurement services, equipment,
2 medical supplies, medical forms, billing services,
3 telephone services, websites or other materials used
4 by the center?

5 A. No.

6 Q. Why aren't the services described in
7 Exhibit 21 responsive to the question of Exhibit -- to
8 your response in Exhibit -- I'm sorry -- Interrogatory
9 No. 22?

10 A. So the question -- the question in
11 Interrogatory 21, just to be clear, states identify
12 any employer or agent of the hospital who performed
13 duties for the neurosurgical center. And
14 Interrogatory No. 22 states has St. Thomas Hospital
15 ever paid for any services.

16 Q. Paid for or provided.

17 A. -- or provided any personnel, consulting
18 services, medical supplies...

19 I think that's fair to say based on 21,
20 performed any duties or functions, provided any
21 personnel -- I can support that the personnel or
22 services here -- typed a report, provided a -- St.
23 Thomas Hospital ever provided any -- I just don't
24 think there was a connection out to the operations of
25 St. Thomas Neurosurgical . These very specific things

DISCLOSURE

Pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia which states: "Each court reporter shall tender a disclosure form at the time of the taking of the deposition stating the arrangements made for the reporting services of the certified court reporter, by the certified court reporter, the court reporter's employer or the referral source for the deposition, with any party to the litigation, counsel to the parties, or other entity. Such form shall be attached to the deposition transcript," I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as a representative of Discovery Litigation Services, LLC. Discovery Litigation Services, LLC was contacted to provide court reporting services for the deposition. Discovery Litigation Services, LLC will not be taking this deposition under any contract that is prohibited by O.C.G.A. 9-11-28(c).

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Blanche J. Dugas
CCR No. B-2290

1 STATE OF GEORGIA:

2 COUNTY OF FULTON:

3
4 I hereby certify that the foregoing
5 transcript was reported, as stated in the
6 caption, and the questions and answers
7 thereto were reduced to typewriting under
8 my direction; that the foregoing pages
9 represent a true, complete, and correct
10 transcript of the evidence given upon said
11 hearing, and I further certify that I am
12 not of kin or counsel to the parties in the
13 case; am not in the employ of counsel for
14 any of said parties; nor am I in any way
15 interested in the result of said case.

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20 BLANCHE J. DUGAS, CCR-B-2290
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CAPTION

The Deposition of DAWN RUDOLPH, taken in the matter, on the date, and at the time and place set out on the title page hereof.

It was requested that the deposition be taken by the reporter and that same be reduced to typewritten form.

It was agreed by and between counsel and the parties that the Deponent will read and sign the transcript of said deposition.

DEPOSITION ERRATA SHEET

DLS Assignment No. 23049

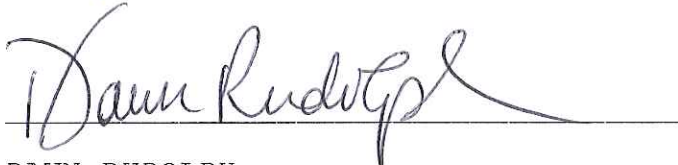
Case Caption: In Re: New England Compounding
Pharmacy, Inc. Products Liability
Litigation

Witness: DAWN RUDOLPH - 07/02/2015

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read
the entire transcript of my deposition taken in the
captioned matter or the same has been read to me, and
The same is true and accurate, save and except for
changes and/or corrections, if any, as indicated by me
on the DEPOSITION ERRATA SHEET hereof, with the
understanding that I offer these changes as if still
under oath.

Signed on the 5th day of
August, 2015.

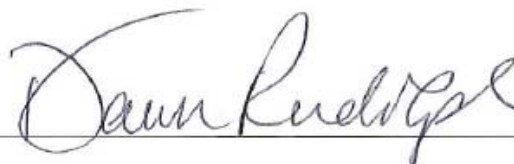
A handwritten signature in cursive script, appearing to read "Dawn Rudolph", written over a horizontal line.

DAWN RUDOLPH

DEPOSITION ERRATA SHEET

Page and line	Change to	Reason for change
GLOBAL	"St. Thomas Health" should be "Saint Thomas Health"	Transcription error
GLOBAL	"St. Thomas Network" should be "Saint Thomas Network"	Transcription error
GLOBAL	"St. Thomas West" should be "Saint Thomas West"	Transcription error
GLOBAL	"St. Thomas Entities" should be "Saint Thomas Entities"	Transcription error
GLOBAL	"Poteet" should be "Poteete"	Transcription error
13/5	"operator" should be "officer"	Transcription error
14/6	"was" should be "were"	Misspoke
14/7	"was" should be "were"	Misspoke
15/4	"CEO" should be "COO"	Transcription error
17/18	Change to "provided to the STOPNC."	Misspoke
50/19	Change "they are" to "it is"	Misspoke
56/9	Change "there's" to "there are"	Misspoke
61/23	Change "type" to "types"	Transcription error or misspoke
69/2	Change "is an employee" to "relates to employees"	Clarification
70/12	Change "employer" to "employee"	Transcription error or misspoke
71/1	Change "Dr." to "Ms."	Clarification
71/2	Change "was" to "were"	Misspoke
82/21-22	Change to: Yeah, I don't understand what you mean by the term "work."	Clarification
82/22	Change "There's" to "there are"	Misspoke
83/24	"Hospital" should be after "St. Thomas"	Clarification
93/14	"what" should be before "is referred to"	Transcription error
93/15-16	Change to: So I would say the phrase "each entity" includes Saint Thomas Network, which has a 50 percent ownership in STOPNC -- that entity is on the St. Thomas campus.	Clarification
94/23	Change "involved" to "it owns"	Transcription error
95/20	Insert "without a lease" after "consent"	Clarification
96/17-18	Omit "including 50 percent ownership of the center,"	Clarification

SIGNATURE:

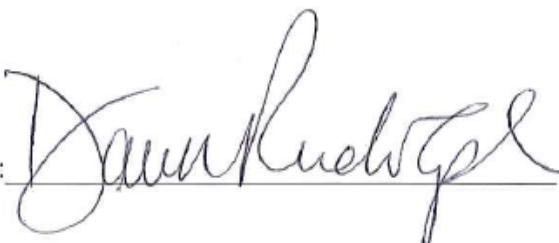


DATE:

8/5/2015

DEPOSITION ERRATA SHEET

96/18	Insert quotation marks before "various"	Transcription error
96/19	Insert comma after "assets"	Transcription error
96/19	Insert "a" before "50"	Misspoke
96/20	Omit "the"	Misspoke
96/20	Insert quotation marks after "STOPNC."	Transcription error
97/7	Insert "Hospital" after "St. Thomas"	Clarification
100/19	Change to "There is -- I'm not prepared to answer that."	Transcription error
101/6	Insert "is" before "functional"	Transcription error
105/8	Insert "those" before "would"	Transcription error or misspoke
105/8	Change "answer" to "answers"	Transcription error or misspoke

SIGNATURE:  DATE: 8/5/2015